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*Status: Point in time view as at 22/07/2004.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 2004, Paragraph 30. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 36

#### PENSION SCHEMES ETC: TRANSITIONAL PROVISIONS AND SAVINGS

#### PART 3

##### PRE-COMMENCEMENT BENEFIT RIGHTS

*Lump sum rights exceeding £375,000: primary and enhanced protection*

- 30 (1) Any part of a lump sum falling within paragraph 1 (1) of Schedule 29 which—
- (a) under paragraph 1(2) of that Schedule is not a pension commencement lump sum (because the lump sum exceeds the permitted maximum), and
  - (b) is an unauthorised payment,
- is to be treated as exempt from being scheme chargeable (under section 241(2)) if the condition in sub-paragraph (2) is met.
- (2) The condition is that it would not have been an unauthorised payment if—
- (a) paragraphs 27 and 29 (in the case of an individual in relation to whom paragraph 12 applies), or
  - (b) paragraph 28 (in the case of an individual in relation to whom paragraph 12 does not apply),
- had not applied.

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**Changes to legislation:**

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